

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 772 - SB 1182

March 22, 2023

SUMMARY OF BILL AS AMENDED (006461): Requires candidates for President of the United States be certified by the chair of a statewide political party in order to be placed on the ballot for a presidential preference primary election. Requires the Coordinator of Elections to certify to the county election commissions which names will be on the ballot for each political party. Requires members of the State Election Commission to disclose any employment or compensation received for services related to elections on a form adopted by the State Election Commission within 30 days of the beginning of the commissioner's term. Authorizes the Tennessee General Assembly (TGA), by joint resolution, to remove a commissioner who fails to timely file a disclosure.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Tennessee Code Annotated § 2-5-205(a)(1) currently states that the Tennessee Secretary of State (SOS) has the sole discretion to recognize candidates for President of the United States by determining candidates that are generally advocated for or recognized as candidates in the national news media; the proposed legislation transfers this discretion to the chair of a statewide political party.
- Tennessee Code Annotated § 2-5-205(c) currently states that the SOS must certify to the county election commissions which names are required to be on ballots for each party; the proposed legislation transfers this authority to the Coordinator of Elections.
- The increase in workload to the Coordinator of Elections will be manageable by utilizing existing resources and personnel, and will therefore not result in a significant increase in state expenditures.
- Any decrease in workload to the SOS will not result in a significant decrease in expenditures to the state.
- Pursuant to Tenn. Code Ann. § 2-11-111, no member of the State Election Commission shall be a campaign manager or treasurer of any campaign during their term; however, they may provide uncompensated advice and financial contributions to a candidate or party organization.
- Tennessee Code Annotated § 2-11-114 currently states that the State Election Commission may only accept funding from the appropriations of public funds from the federal, state, or local government.

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- The TGA is currently authorized under Tenn. Code Ann. § 2-11-113 to remove, by joint resolution, any State Election Commission member for cause.
- The State Election Commission will be able to create a disclosure form within existing resources, and will therefore not require any increase in expenditures.
- It is assumed that the proposed legislation will not create a significant increase in turnover within the State Election Commission.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/cd